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Lambda Letters Project

32626

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It Is Nearly Finished

by Boyce Hinman, Administrator

In a surprise ending to this legislative year, Governor Davis, perhaps without knowing it, signed a bill to provide new protections for transgendered people in California. The state legislature has now enacted almost all the fundamental bills needed for the eventual full recognition of the rights of the lesbian, gay, bisexual, and transgendered communities. There is much work still to be done. More legislation is needed to flesh out the details, particularly as regards the rights of domestic partners and of transgendered people. We need a stronger and clearer bill prohibiting discrimination against transgendered people. However, the outcome is now certain. The LGBT community has won and its opponents have lost. It is only a matter of time before that will be fully recognized

The bill just signed by the governor is AB 2222, introduced by Assemblymember Sheila Kuehl (D–Encino). Sheila has probably been our strongest advocate in the state legislature. AB 2222 requires employers to enter into good-faith negotiations with employees regarding "reasonable accommodations" for a disability. This means that transsexual people who are forced to rely on the law for protection in medically-supervised, on-the-job transitions may claim the condition as a

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Final Issue in 2000

It seems like only yesterday that we welcomed the new year and gave a collective sigh of relief when we realized that all our computers were Y2K-compliant after all. Now it is November and this is the last mailing you will receive from Lambda Letters Project this year. We always give you and our hard-working volunteers the month of December off to rest and enjoy the holidays. In January we will be ready to battle for justice in the new year. In the meantime, enjoy the holidays and have the best of all possible new years.

Annual Meeting

Lambda Letters' annual meeting takes place on Saturday, January 27, 2001, in Sacramento at the Lambda Community Center, 1927 L Street. You are cordially invited to attend. As always, we must have a quorum of one-third of the membership to conduct business. If you are unable to attend, please complete and return the enclosed proxy right away. Even if you may attend, return the proxy; you can always attend and vote at the meeting in person.

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Lambda Letters Progress Report

Messages Collected

September, 2000	18,226 letters & e-mails
In all of 2000	111,890 letters & e-mails

Dollars Spent

September, 2000	$2,088
In all of 2000	$16,606

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Mission Statement

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered persons, and persons affected by or living with HIV/AIDS into full participation in the mainstream of American society now, exercising all the privileges and responsibilities thereof.

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If so, you may register a complaint with the Department of Fair Employment and Housing. In cases of employment discrimination, call the department at (800) 884-1684. In cases of housing discrimination, call (800) 233-3212. The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

Advertising Rates

Business-card sized ads (3½" × 2") $10 per issue, quarter-page ads $20 per issue, half-page ads $30 per issue, full-page ads $50 per issue. Deadline for payment and camera-ready copy, along with your name and phone number, is the 25th of each month.

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Support Our Families

by Boyce Hinman

This month we ask you to write to Governor Davis to protest his opposition to legislation that would have provided many essential benefits to domestic partners.

In 1999 the state legislature passed, and the governor signed, AB 26. This bill allows domestic partners to register with the state of California. The bill also guarantees people the right to visit their domestic partners in the hospital. In addition, it allows some state and local government employees to put their domestic partners on their employer provided health plans.

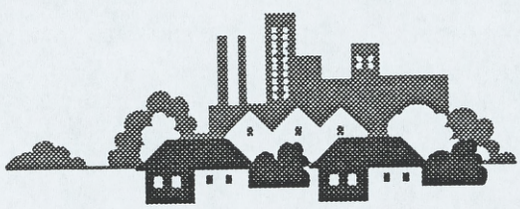
However, LGBT people have rarely had problems recently with hospital visitation and the health insurance benefit is unavailable to non-governmental employees. The passage of AB 26 provided little benefit to most domestic partners. As a result, many fewer people than expected have actually registered with the state. As of the end of October, only about 5,000 couples had registered their domestic partnerships.

Several bills were introduced in the state legislature this year which would have provided meaningful benefits for those who register as domestic partners. As you will see from Table I, the governor vetoed four of those bills and all the remaining bills died in the legislature. In May the governor signed a minor gay rights bill, protecting the rights of lesbians, gays, and bisexuals to serve on juries. He then announced that he would sign no more gay rights bills this year. This statement did much to cause the defeat of the remaining domestic partner bills. He refused to support them when his support meant the difference between their success or failure.

We think the governor should have been much more supportive of domestic partner benefits. We urge you to write and tell him so and to urge him to do better next year.

Table I
Fate of California Domestic Partner Bills in 2000

Bill Number	Purpose	Outcome
AB 901	End discriminatory state income taxes on health insurance for domestic partners.	Died in Assembly
AB 1990	Authorize domestic partners to make medical decisions for their partners when needed.	Died in Assembly
AB 2047	At first, added domestic partners to the list of people who automatically inherit when someone dies without a will. Later, provisions of most of the other failed domestic partner bills were added to AB 2047.	Died in Assembly
AB 2211	Allow domestic partners to request autopsies of their deceased partners. Also require California to recognize domestic partnerships formed in other states.	Died in Assembly
AB 2421	At first, authorized a parent-child relationship between a child and its non-biological parent (usually when lesbians choose to have a child). Later, changed to make minor changes to the laws for straight elderly domestic partners.	Vetoed by the governor
SB 118	Require employers to grant family and medical leave for employees to care for their seriously ill domestic partners.	Vetoed by the governor
SB 1149	Require employers to grant family and medical leave for employees to care for their seriously ill domestic partners.	Vetoed by the governor
SB 1410	Allow San Mateo County to continue sending retirement checks to a surviving domestic partner if a county retiree died before the domestic partner.	Vetoed by the governor



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HIV/AIDS Issue

Medicare for People with HIV

by Marty Martinez, AIDS Project East Bay

Medi-Cal is the state program that provides basic income support to thousands of Californians with AIDS. However, the program only covers individuals in a limited number of situations. Persons must meet basic income requirements and be considered "disabled"—that is, unable to make a living under criteria established by state and federal officials.

People with AIDS are generally considered disabled under these criteria, but often people are not considered disabled if they carry HIV that has not progressed to include AIDS symptoms. In the past few years, as new drug therapies have kept many people with HIV from progressing to AIDS, various state and federal laws have tinkered with the system, allowing limited Medi-Cal coverage of people with HIV, and allowing people with AIDS to go back to work without immediately losing all of their Medi-Cal benefits.

However, full Medi-Cal coverage of all people with HIV who meet basic income requirements is a necessity. Full health coverage is essential to stabilize the health of people with HIV, which is often a manageable disease if one is under constant medical care.

In the past, bills have been before the California state legislature to allow the state to apply for a waiver from the Healthcare Financing Administration (HCFA), a federal agency, allowing the state to explore ways of providing Medi-Cal coverage to all people with HIV who meet certain income criteria. Previous federal laws allow the HCFA to issue such wavers.

LLP has previously supported bills to require the state to pursue such wavers. However, no bill is actually necessary. The California Department of Heath Services, under the Gray Davis administration, can pursue such a waver without any legislative action. There is some indication that the governor is willing to take the initial steps necessary to make application for the waver, but some public pressure at this point would be helpful. Please sign and mail the enclosed letter to help urge the governor to take action to help people with HIV.

People of Color Issue

A Call for a Review of Drug Laws

by Marty Martinez

California's drug laws clearly have a discriminatory impact on African-Americans and Latinos. This discriminatory racial impact is probably obvious to most readers of this newsletter. We know that it comes in many forms: from the wide (sometimes 100-to-1) disparity in fines and sentences for possession and use of powdered cocaine, which is primarily used by whites, versus crack, which is primarily used by blacks and Latinos; to racial profiling in which blacks and Latinos are stopped in the street (in cars or while walking) and searched for drugs on the suspicion that most drug dealers are people of color; to the difficulties that people of color have in accessing quality attorneys to avoid harsh sentences. We know that the high incarnation rates of people of color is due primarily to drug laws—either the laws themselves, or the selective enforcement of them.

You may think that all the above facts are obvious, but our political leaders and policy makers need to hear constantly from their constituents who believe in the above—and that's you. The office of the state attorney general is charged with enforcing the state's drug laws and are in a position to evaluate the impact of current drug laws and their enforcement. Please sign and send the enclosed letter to Attorney General William Lockyer, urging him to take steps to initiate such a review. If our current drug laws and the enforcement of them can be reviewed, this information can be used to help create change in the legislature. We must take this fight one step at a time.

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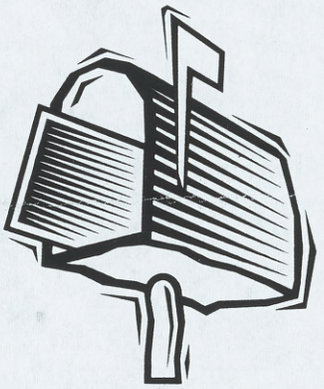
Women's Issue

Finally, Women Get the Morning-After Pill

by Adrienne Lauby

It took a twelve-year campaign by feminists to get mifepristone, popularly known as the morning-after pill, approved by the U.S. Food and Drug Administration for general use. That approval, on Sept 28th of this year, will greatly change abortion and the abortion debate in the U.S. For the first time, women will have a safe, effective, and relatively private method of early abortion.



Although the drug (under the name RU 486) was in general use in Europe, the religious right fought it tooth and nail. They continue to protest vehemently, saying they are afraid for women's health and that many women will be seriously affected by the extreme side effects. Republican presidential candidate George W. Bush has refused to endorse the pill and is widely expected to try to take it off the market if he is elected.

In truth, recent U.S. clinical trials demonstrated mifepristone to be effective in terminating 92 percent of pregnancies up to 49 days in duration. Additionally, 95.7 percent of women in the same trials reported that they would recommend mifepristone to others.

The pill is expensive and not covered by Medi-Care, thus continuing to make abortion difficult for poor women. Clearly we cannot relax entirely in our fight for women's right to chose. However, this is a time to celebrate and ensure our allies that we will support them in the future.

Please sign and return this month's women's issue letter, which is addressed to FDA Commissioner Jane Henney.

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Final Legislative Update for 2000

The following is the list of important state bills that made it to the governor's desk. The list indicates what action the governor took on the bills. This is the last revision of this list until the State Legislature reconvenes in January, 2001.

Governor Davis opposed much of the progressive and civil rights legislation introduced in the legislature this year. However, as you will see from the list, he signed a number of women's issue bills. The news has been full of reports that candidates of both political parties are hard at work wooing women voters. On the other hand, many LGBT rights bills were dumped in the legislature or vetoed by the governor. Apparently, politicians assumed that supporting our issues would hurt them at the ballot box. The task ahead of us is to build such a strong movement, beholden to no party, that candidates will fear that failure to support us will hurt them at the ballot box

HIV/AIDS Issues

AB 1722 (Martin Gallegos, D–City of Industry)
Purpose: To allow the state to offer Medi-Cal benefits to the working disabled poor if federal resources are available to do so.
Status: Vetoed.
LLP Position: Support.

AB 2037 (Ellen Corbett, D–San Leandro)
Purpose: Existing law requires the State Department of Social Services to conduct a demonstration project to provide certain services to children, under the age of 37 months, who are alcohol or drug exposed or who are HIV-positive. This bill increases the age to 60 months.
Status: Signed by the governor.
LLP Position: Support.

AB 2168 (Martin Gallegos, D–City of Industry)
Purpose: States that insurance providers should view HIV and AIDS as conditions or diseases that require treatment by a provider with demonstrated expertise in the treatment of these conditions.
Status: Signed by the governor.
LLP Position: Support.

AB 2809 (Robert Pacheco, R–City of Industry)
Purpose: Existing law requires that a blood specimen be obtained from a pregnant woman before or at the time of delivery. The blood must be tested for blood type and the presence of hepatitis B. This bill would require the blood also to be tested for the presence of HIV. A woman could refuse HIV testing if she has been determined to be chronically infected with HIV or if a medical professional explains the purpose of testing and the currently approved treatments. Proponents and opponents agreed to several good amendments to this bill prior to its being approved by the Assembly Health Committee. For example, the revised version requires that the woman give informed, written consent prior to HIV testing. However, the California Medical Association tried to amend in some of the bad features of the bill again before the Health Committee vote. They failed at this time.
Status: Vetoed.
LLP Position: Neutral.

Lesbian/Gay/Bisexual/Transgendered Issues

AB 1785 (Antonio Villaraigosa, D–Los Angeles)
Purpose: To require school districts to report incidents of hate crimes in their schools and to establish procedures for doing so. Makes other changes to promote diversity in schools.
Status: Signed by the governor.
LLP Position: Support.

AB 1851 (John Longville, D–San Bernardino)
Purpose: To provide directions to California courts as to how to process petitions from post-operative transsexuals for recognition of their new sex and new, gender appropriate name. Has been amended to require people from out of state to live in California six months before requesting recognition from California courts of their change of gender.
Status: Vetoed.
LLP Position: Lambda Letters is a sponsor of the bill.

Continued on page 8

Don't Know Who Represents You?
Send your request with a stamped, self-addressed envelope and we'll send you a complete list of your elected officials. Or go to www.lambdaletters.org to find out who represents you.

Final 2000 Legislative Update

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AB 1931 (Jack Scott, D–Pasadena)
Purpose: To require school districts to report annually the number of suspensions and recommendations for expulsions resulting from school hate crimes. Appropriates $150,000 for training to assist school district staff in identification of hate crimes. Provides $2 million for student and teacher training focused on overcoming prejudice, countering hatred, and fostering ethnic sensitivity.
Status: Signed by the governor.
LLP Position: Support.

AB 2000 (Antonio Villaraigosa, D–Los Angeles)
Purpose: To establish the California Commission on Human Relations in the Department of Fair Employment and Housing (DFEH) to make policy recommendations to the governor and the legislature regarding the collection, dissemination of information, standards and guidelines for local human relations commissions. Appropriates $150,000 to establish the commission.
Status: Vetoed.
LLP Position: Support.

AB 2421 (Carole Midgen, D–San Francisco)
Purpose: The purpose of this bill was radically changed. It now only states that only one member of opposite gender couples needs to be over 62 for them to register with the state as domestic partners.
Status: Vetoed.
LLP Position: Support.

SB 1149 (Tom Hayden, D–Los Angeles)
Purpose: To require employers to grant family and medical leave to employees who need to care for their seriously ill domestic partners, siblings, or grandparents.
Status: Vetoed.
LLP Position: Support.

Lavender Valentines

Boyce Hinman & Larry Beaty
30 years

Jackie Mahone-Tyson & Karen Mahone-Smith
11 years

SB 1410 (Jackie Speier, D–San Mateo)
Purpose: To provide that domestic partners of San Mateo County employees will be eligible for the same survivor benefits received by spouses of county employees if the member and the member's domestic partner have a current Affidavit of Domestic Partnership on file with San Mateo County for at least one year prior to the member's retirement or death before retirement.
Status: Vetoed.
LLP Position: Support.

SB 2025 (John Burton, D–San Francisco)
Purpose: To incorporate all the provisions of the Fair Employment and Housing Act (FEHA) into the State Civil Service Act. This provides the protections of FEHA (including protections from sexual orientation–based discrimination) to state employees.
Status: Signed by the governor.
LLP Position: Support.

People of Color Issues

AB 1746 (Scott Wildman, D–Glendale)
Purpose: To improve educational opportunities for American Indians.
Status: Vetoed.
LLP Position: Support.

SB 984 (Richard Polanco, D–Los Angeles)
Purpose: To establish March 31st as Cesar Chavez Day and to designate the date as a paid holiday for state employees. Requires public schools to teach about Cesar Chavez.
Status: Signed by the governor.
LLP Position: Support.

SB 1364 (Patrick Johnston, D–Stockton)
Purpose: Current law prohibits health care professionals and organizations from releasing the results of genetic testing to a third party without the prior written consent of the person tested. This bill stipulates that the prohibition also applies to genetic traits in which the person is asymptomatic for the disease which might result from a genetic trait. Also requires the state to set standards for those who care for patients with illnesses relating to genetic trait.
Status: Signed by the governor.
LLP Position: Support.

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Final 2000 Legislative Update

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Women's Issues

AB 525 (Sheila Kuehl, D–Encino)
Purpose: To require hospitals, and disability plans to advise potential customers that they may want to request information about reproductive services provided by the plan, before signing up with it.
Status: Signed by the governor.
LLP Position: Support.

AB 908 (Elaine White Alquist, D–Santa Clara)
Purpose: To establish the gender equity train-the-trainer grant program for the award of grants from funds available for that purpose to the governing boards of school districts and county offices of education. The bill would require the Superintendent of Public Instruction to develop criteria for the grant applications and to select grant recipients. The end-purpose of the program would be to train public school teachers in gender-equity education.
Status: Signed by the governor.
LLP Position: Support.

AB 1814 (Ted Lempert, D–Palo Alto)
Purpose: To provide that mothers who are breast feeding their children are exempt from jury duty until they stop breast feeding their children.
Status: Signed by the governor.
LLP Position: Support.

AB 1856 (Sheila Kuehl, D-Encino)
Purpose: To make non-owner, non-supervisory employees liable for harassment of coworkers on the basis of race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation. Introduced to reverse a State Supreme Court decision that said such harassment by owners or supervisors is prohibited by law, but not harassment by coworkers.
Status: Signed by the governor.
LLP Position: Support

AB 2038 (Elaine White Alquist, D–Santa Clara)
Purpose: To require a grantee in conducting or supporting a project of clinical research, to ensure that women of all ages and members of minority groups are included as subjects in the clinical research projects.
Status: Signed by the governor.
LLP Position: Support.

AB 2108 (Carole Migden, D–San Francisco)
Purpose: To require that all terminally-ill female inmates receiving hospice care in the Central Women's Facility receive a standard of care similar to the treatment given to male inmates at the state prison facility in Vacaville.
Status: Vetoed.
LLP Position: Support.

AB 2357 (Mike Honda, D–San Jose)
Purpose: To require employers to grant a victim of domestic abuse up to 15 days of unpaid leave in a 12-month period so the employee can seek legal assistance, counseling, assistance from a domestic violence shelter, etc., to deal with the domestic violence.
Status: Signed by the governor.
LLP Position: Support.

SB 193 (Richard Polanco, D–Los Angeles)
Purpose: Existing law provides for the Breast Cancer Research Account in the Breast Cancer Fund. Ninety percent of the moneys in the Breast Cancer Research Account is allocated to the Breast Cancer Research Program created at the University of California. This bill would require the State Department of Health Services to offer for sale breast cancer license plates to be sold at a price determined by the department, with the proceeds to be deposited into the Breast Cancer Research Account in the Breast Cancer Fund.
Status: Signed by the governor.
LLP Position: Support.

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It Is Nearly Finished

Continued from page 1

disability or a perceived disability and look to this statewide law for support. Also, transgendered people who may be perceived to suffer from gender identity disorder (GID), regardless of any medical intervention, could be protected from discrimination in employment and housing on the basis of that perception.

It appears that a transgendered person would have to demonstrate that his or her gender identity disorder affects a major life activity or that the employer perceived her or him as disabled. It would be better, therefore, if discrimination against transgendered people were outlawed entirely. We are working to accomplish this. But AB 2222 is at least a beginning for transgendered people.

The other fundamental bills are as follows. California now recognizes the validity of same-sex families. The first step in this recognition occurred when the state legislature passed former Assemblymember Willie Brown's (D–San Francisco) consenting-adults bill in 1975. This bill decriminalized private sexual relations between consenting adults of the same gender. In 1999 the legislature granted additional recognition to same-gender families by enacting AB 26 (by Carole Migden, D–San Francisco). This bill allows same-gender couples to register with the state as domestic partners.

The state also now recognizes the right of the LGBT community to be free of hate violence. The Hate Crimes Statistics Act of 1989, SB 202 introduced by former State Senator Diane Watson (D–Los Angeles), bans sexual orientation–based hate crimes. SB 1595, introduced by former Senator Milton Marks (D–San Francisco) in 1994, provides enhanced penalties for those who commit hate crimes against those who perceive their victims to be lesbians, gays, or bisexuals. AB 1999, introduced by Assemblymember Sheila Kuehl, and passed in 1998, bans hate crimes against transgendered people.

California now also recognizes the right of the LGBT students to be free of discrimination in their schools. AB 537, introduced by Kuehl and passed in 1999, bans sexual orientation–based discrimination in the schools.

The state also bans employment and housing discrimination against the LGBT community. This ban evolved over several decades. In 1979 the California Supreme Court ruled that Sections 1101 and 1102 of California's Labor Code prohibited sexual orientation–based discrimination in employment. However, these sections of the code did not actually mention sexual orientation. So in 1992 the legislature passed AB 2601, introduced by former Assemblymember Terry Friedman (D–Los Angeles), adding specific wording about sexual orientation–based discrimination to the Labor Code.

In 1999 the legislature passed AB 1001, introduced by Assemblymember Antonio Villaraigosa (D–Los Angeles). This bill protects lesbians, gays, and bisexuals by banning sexual orientation–based discrimination in employment and housing. This bill moved the employment protection from the Labor Code to the California Fair Employment and Housing Act and added a ban on housing discrimination. AB 2222, passed this year, provides at least some protection against discrimination for transgendered people.

In 1776 Thomas Jefferson wrote that all men were created with certain unalienable rights and that among these were the rights to life, liberty, and the pursuit of happiness. In the 19th and 20th centuries it was recognized that women and people of color were also endowed with such rights. Now, at the beginning of the 21st century, it appears that our nation will soon realize that Mr. Jefferson's profound words apply to our lesbian, gay, bisexual, and transgendered citizens as well.

Deborah A. Brooks
Certified Public Accountant

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- TAX PREPARATION

My Place or Yours!

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Grant to Benefit Lambda Letters

In late October, the Napa Valley Care Consortium announced a grant that will benefit both the Lambda Letters Project and the clients of the Consortium's member agencies. The Consortium reported that it had received a grant of $400 from Charlie O'Malley and that Mr. O'Malley stipulated the grant should be used for activism.

The Consortium decided to use the funds to pay the membership dues to the Lambda Letters Project for its clients in Napa County. The dues will be at the limited-income level of $20 per person per year. It will provide up to 20 Lambda Letters memberships. People wishing more information about the grant program may call the Consortium at (707) 257-4182.

Boyce Hinman, Administrator of the Project, expressed his deep appreciation of this generous act by the Napa Valley Care Consortium and Mr. O'Malley. He noted that the grant would benefit Lambda Letters and the consortium's clients. However, it would also benefit people all across the state by increasing the effectiveness of the work done by Lambda Letters.

Going Postal

The Lambda Letters Project sends newsletters and sample letters to you using a "non-profit organization bulk mail permit." We pay two yearly permit fees, one in Sacramento and one in San Diego of $100 each.

For that we get to mail each piece for just under 17 cents. If we sent the same piece by first class mail, it would cost 77 cents. That's quit a difference in postage.

However, bulk mail travels through the postal system in a rather erratic manner. Once all the first class mail has moved in any given point, bulk mail starts moving.

Where postal resources are spread thin, bulk mail moves like molasses. So our sample letters, which are dated the 15th, are mailed by the 10th of each month but not arrive until well after the 15th.

That delay is the cost of doing business as a non-profit organization. Rest assured that your voice is still heard and still fowards the debate even if your letters seem late.

Vote for Lambda Letters Clout

In this month of the elections, it seems appropriate to ask you to vote for Lambda Letters. I bet you didn't know we are on the ballot. Well, we are not on the ballot you were given at your polling place on November 7th. However, we are on a ballot that you may receive soon in the mail.

If you use the Community Clout Credit Card (some of the cards say Uncommon Clout) you should soon receive a ballot in the mail from Community Clout. The ballot will list a number of civil rights organizations and other progressive groups. You will be asked to vote for those organizations that you would like Community Clout to contribute money to. Lambda Letters is one of those listed groups. When you complete your ballot, please say that you would like them to donate to Lambda letters. This is a painless way to contribute dollars to Lambda Letters. The more people who vote for Lambda Letters, the more money we get.

Each year Community Clout donates a portion of its profits to progressive organizations. Each year they issue a ballot to card holders, asking them to vote on who should receive the donations. Lambda Letters was added to the ballot for the first time last year. (Unfortunately, Uncommon Clout is not accepting any new sign-ups at this time, so only current customers may vote.)

Spinning the Web

Have you checked out the Lambda Letters Web pages? Interesting things appear there from time to time.

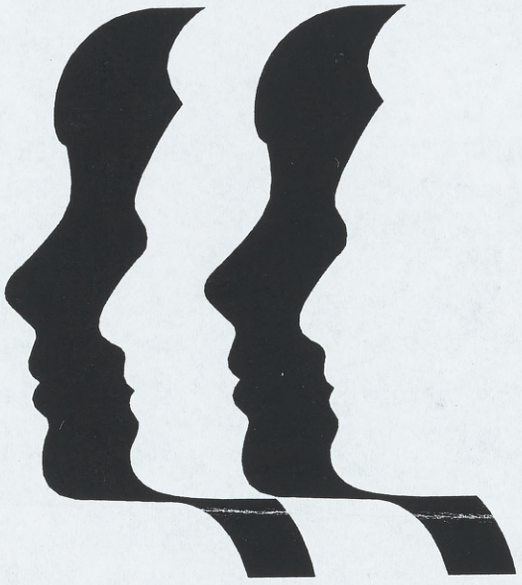
Not only are the sample letters available from our Web pages, but pointers to important, current information and links to other progressive organizations and government sites.

You can follow links in the legislative update section to read the text of the bill or find the most current status.

You can use the Web pages when you are talking us up to your friends. Show the site and encourage them to join LLP and the email alert list.

Have them follow the "join" and "join alert list" buttons to register on line.

See you at ...



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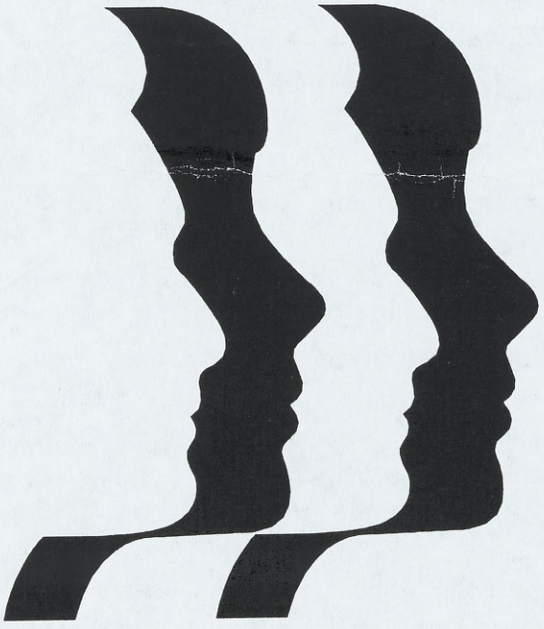

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